

By: Gutierrez, Villalba, Faircloth,
Sheffield, Zerwas

H.B. No. 456

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the use and possession of e-cigarettes
on school property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.004(k), Education Code, is amended to
read as follows:

(k) A school district shall publish in the student handbook
and post on the district's Internet website, if the district has an
Internet website:

(1) a statement of the policies adopted to ensure that
elementary school, middle school, and junior high school students
engage in at least the amount and level of physical activity
required by Section 28.002(1);

(2) a statement of:

(A) the number of times during the preceding year
the district's school health advisory council has met;

(B) whether the district has adopted and enforces
policies to ensure that district campuses comply with agency
vending machine and food service guidelines for restricting student
access to vending machines; and

(C) whether the district has adopted and enforces
policies and procedures that prescribe penalties for the use of
e-cigarettes, as defined by Section 38.006, and tobacco products by
students and others on school campuses or at school-sponsored or

1 school-related activities; and

2 (3) a statement providing notice to parents that they
3 can request in writing their child's physical fitness assessment
4 results at the end of the school year.

5 SECTION 2. Section 38.006, Education Code, is amended to
6 read as follows:

7 Sec. 38.006. E-CIGARETTES AND TOBACCO PRODUCTS ON SCHOOL
8 PROPERTY. (a) In this section, "e-cigarette" means an electronic
9 cigarette or any other device that simulates smoking by using a
10 mechanical heating element, battery, or electronic circuit to
11 deliver nicotine or other substances to the individual inhaling
12 from the device. The term does not include a prescription medical
13 device unrelated to the cessation of smoking. The term includes:

14 (1) a device described by this subsection regardless
15 of whether the device is manufactured, distributed, or sold as an
16 e-cigarette, e-cigar, or e-pipe or under another product name or
17 description; and

18 (2) a component, part, or accessory of the device,
19 regardless of whether the component, part, or accessory is sold
20 separately from the device.

21 (b) The board of trustees of a school district shall:

22 (1) prohibit smoking or using e-cigarettes or tobacco
23 products at a school-related or school-sanctioned activity on or
24 off school property;

25 (2) prohibit students from possessing e-cigarettes or
26 tobacco products at a school-related or school-sanctioned activity
27 on or off school property; and

1 (3) ensure that school personnel enforce the policies
2 on school property.

3 SECTION 3. This Act takes effect September 1, 2015.